



## Jefferson District Court Reorganization

December 2010  
Volume 10, No. 12

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In December 2008, the Jefferson District Court Term announced that it would begin the process of examining the way its work is organized. The Term knew that with the retirement of five judges, eight of 17 judges would remain with less than one year of service on the bench. There was a newly elected Circuit Court Clerk, David Nicholson, and a newly appointed County Attorney, Mike O'Connell. The time had come to take a hard look at the way District Court does business.

Today, Jefferson District Court functions, fundamentally, within a framework designed more than 30 years ago. In 1978, the Judicial Article became law and gave rise to district courts. Municipal courts and quarterly courts were eliminated and the Commonwealth of Kentucky had a unified court system.

### ***A Brief History of Jefferson District Court***

The original Jefferson District Court Term was elected in November of 1977 and organized its work for the first day of business in 1978. With approval of the Kentucky Supreme Court, its work was divided into jurisdictions, or crimes, and dedicated judges were to sit in those dockets for a period of time on a rotating basis.

From 1978 until the opening of the Judicial Center, all district and circuit courts were held in the Hall of Justice. The 16 circuit courts were on the third floor and the district courts had the use of the courtrooms on the first floor and three courtrooms on the second floor. The district court dockets/jurisdictions were scheduled for the morning or afternoon in courtrooms shared by the judges assigned to each docket.

Today, the Term has three judges sitting in traffic dockets, four in felony/misdemeanor dockets, two in each of the civil, juvenile and warrant dockets, and one in each nonsupport, mental inquest, disability and probate docket.

Generally, the judges rotate into a different docket after six months or a year of service in a specific docket. The theory is that, over time, every judge will serve in every jurisdiction. It should be noted, that Jefferson District Court is the only court in Kentucky organized with these dedicated rotating dockets. Every other district judge in the state has a generalized docket. Jefferson District Court dockets are held, for the most part, in either the morning or afternoon.

District court's justice partners adjust their staffing schedules to support the current system, with assistant county attorneys, clerks and deputy sheriffs scheduled to work both morning and afternoon "shifts" to accommodate the work of the court.

### ***Today's Issues***

The sheriff's office has conducted a security/needs assessment which included counting the number of people entering the Hall of Justice in a 24-hour period. Over several days, the count averaged 4,000 people daily. The Hall of Justice is ranked third behind Freedom Hall and Rupp Arena as the most used public building in the state.

The present system is morning dominant, as 75 to 80 percent of the in-court work of district court is performed from 9 a.m. to 1 p.m. The sheer volume

of cases may cause the morning dockets to run over the time allotted for the support staff, disrupting the afternoon schedules.

In any case, right now the focus is on speed in processing cases. The volume of cases, and the time allotted, stresses all of the justice partners. District court has compressed an eight hour docket into four or five hours to conform to the existing schedule.

Some argue that, as the state's only urban jurisdiction and with the large volume of cases, dedicated dockets are the only efficient way to organize the district court's work. And make no mistake, the existing framework has served the community well through the years. Its utility is in its simplicity. If you have a traffic case, you are in one of three courts on the first floor. If you have a felony/misdemeanor case you are in one of four courts on the third floor.

The counter argument is that the delivery of justice has been sacrificed to expediency and the use of the old framework currently places more value on speed than accuracy.

Today's traffic dockets may number as many as 400 cases. To finish that docket in five hours, a judge would have to process 80 cases an hour. These dockets have been described as "cattle calls." The number of cases is not expected to decrease. This situation is stressful for the justice partners, as well as the litigants who expect to be afforded a right to be heard when they come before a judge.

The Administrative Office of the Courts (AOC) delivers monthly case management reports to every judge in the state, monitoring the timelines and progress of every case on each judge's docket; every judge except the Jefferson District Court judges. The system of rotating judicial responsibility for each court prevents the use of this case management tool.

### ***The Process***

Upon the announcement that the Term was prepared to examine the possibility of reorganization, a public meeting was called. The Term was committed to making the discussion process as open and transparent as possible. To this end, it was decided to assemble a working group to assist in the discussions.

The working group was to be made up of representatives of all the stakeholders in the operation of district court. Every governmental organization or entity that touched district court would have representatives at the discussions. Each representative was to have the authority to speak for its office or group. Representatives would hear proposals or ideas and return to their respective groups for internal discussion and to bring feedback to the working group.

The Jefferson County Crime Commission provided staff to assist the working group. A *Courier-Journal* reporter was present for many of the meetings. Retired Circuit Court Judge Steve Mershon was assigned to moderate/facilitate discussions in the working group and the Term's dedicated reorganization meetings.

To date, the working group has met 11 or 12 times in the 23 months since the announcement. The

Term has scheduled 14 or 15 meetings to discuss reorganization. The following mission statement was developed at the first district court reorganization retreat:

"In order to enhance the administration of justice and the dignity of the district courts, the Jefferson District Court Term is evaluating the district court process to determine whether changes could be made which will further judicial accountability, balance the court's dockets, and promote public access to the judicial system."

The mission statement was to be the Term's guidepost for any proposed change to the system.

As the Term moved toward reorganization, certain goals became clear. Because the Term is committed to improving the accountability of Jefferson District Court judges, their work product should be able to be monitored by the AOC. Another goal is to balance the foot traffic and use of the Hall of Justice.

Judges and justice partners are stressed under current morning traffic and felony/misdemeanor dockets as the traditional schedules are outdated and the courts continue to function in the system of the required shared courtrooms. These morning dockets are described as "grinder" dockets. Several of the civil dockets are referred to as "respite" dockets because they have smaller case loads and are generally less stressful.

In the end, there were seven reorganization plans submitted for consideration by both the Term and the working group. These plans cover the spectrum from very little change to adoption of a circuit court model which would divide all of the jurisdictions of district court into seventeenthths for each judge's responsibility.

### ***Where We Are Today***

In June 2010, the Term decided on a framework for the criminal dockets based on three plans submitted previously. This reorganization model was the result of the work of Judges Angela McCormick Bisig, David P. Bowles, David L. Holton III and Ann Bailey Smith.

These judges presented the plan to the working group, each of the institutional partners and the defense bar. The PowerPoint presentation was also posted to the LBA's website. The Term has considered legitimate and constructive feedback on the framework for change and some modification has been made and will continue to be made.

### ***The Reorganization Model***

The reorganization model calls for ten criminal court divisions combining traffic, felony/misdemeanor, warrant and nonsupport dockets divided alphabetically.

Each of the ten divisions will have 9 a.m. dockets Monday through Friday. Each division will have afternoon dockets at 1 p.m. Morning dockets will include traffic and misdemeanor/felony cases. Out of custody arraignments for felonies (excluding nonsupport cases) and domestic violence cases are scheduled firmly for 11 a.m. The dockets will be small enough to accommodate a lunch break

for all court personnel. Afternoon dockets will include all out of custody arraignments (citations, RORs, post bonds), nonsupport, show causes and all diversion reviews.

To accommodate the defense bar, it was agreed that an attorney could move an afternoon case to a morning docket for convenience. All pro se matters which do not involve police officers will remain on the afternoon docket.

The Term further agreed to establish a Domestic Violence Enhanced Supervision Docket in each of the ten criminal dockets. Each judge has discretion to move matters to an afternoon docket for hearings, trials or other concerns.

The Term has created this framework to conform to the mission statement and to provide the following benefits to the community:

- Lessen morning crowds;
- Stagger dockets for some arraignments;
- Increase afternoon courthouse use;
- Address the needs of the private bar and law enforcement;
- Provide workload balance for judges and improve judicial efficiency;
- Allow time for writing, reviewing files and other judicial matters;
- Provide breaks for court personnel;
- Maximize scheduling flexibility for each judge in a criminal division;
- Better access to the courthouse during the morning for defense counsel and litigants.

Chief Justice Minton and the AOC have provided essential technological assistance that will reduce stress for the Circuit Court Clerk's Office and which would allow the courts to be fully staffed. Without this assistance, reorganization could not have been possible.

The Term will address the civil dockets shortly. The general feedback from the civil bar is that district court now provides appropriate access and no major overhaul is needed. Nonetheless, some change to the civil side may be required as the criminal docket changes are implemented. The Term is committed to retaining the same schedules and courtrooms for the civil jurisdictions as much as possible.

### ***Timeline for Implementation***

The target date for implementation for any reorganization has been January 1, 2011. All 17 judges of the Term will have stood for election to begin their four year terms. The Term has assured its institutional partners that once a reorganization framework was decided upon, the start date would be determined with the agreement of the Circuit Court Clerk and the County Attorney.

The reorganization should occur sometime in the first quarter of 2011.

This has been a long and difficult process and all involved should be commended for their commitment to improving the courts.

*Hon. Sean R. Delahanty serves as Chief Judge of Jefferson District Court. ■*